

# **WISHA REGIONAL DIRECTIVE**

WISHA Services

Department of Labor and Industries

## **10.05            ERGONOMICS ACTIVITY FOLLOWING REPEAL OF RULE**

**DATE: December 4, 2003**

### **I.        Background**

The Department of Labor and Industries (L&I) adopted the WISHA Ergonomics Rule, WAC 296-62-051, on May 26, 2000, to reduce hazards that can cause work-related musculoskeletal disorders (WMSDs). The rule included an extended phase-in period, with the earliest implementation date for large employers in the highest risk industries being July 1, 2002 and the latest date for full implementation for the smallest employers in lower risk industries being July 1, 2006. On November 4, 2003, voters of the state passed Initiative 841, which repealed the Ergonomics Rule.

L&I will be providing additional guidance to WISHA staff regarding future efforts to prevent WMSDs. This document, however, provides immediate guidance in light of the rule's repeal.

### **II.       Scope and Application**

This policy provides guidance to WISHA enforcement and consultation staff whenever they must address issues involving WMSD hazards and potential ergonomics solutions. It replaces previous versions of WRD 10.05, issued July 7, 2000, and revised July 5, 2002. It will remain in effect until replaced.

### **III.      Special Enforcement Protocols**

*How should employee complaints, referrals or other information alleging hazardous exposure for issues involving WMSDs or ergonomics be addressed?*

If such issues come to the attention of regional staff, they must not initiate (or expand) inspection activity. The allegations or other information must be referred to Senior Program Manager of WISHA Policy & Technical Services, who will provide appropriate direction based on the specifics of the situation.

#### IV. Special Consultation Protocols

*A. How should employer requests for consultations related to WMSDs or ergonomics be addressed?*

Such requests should be handled in accordance with existing guidance regarding the assignment of subject-specific (rather than comprehensive) consultations in the WISHA Consultation Manual. The repealed rule and its components (such as the caution zone checklist and the hazards checklist found in the rule's Appendix B) can be used as a guide to identifying potential hazards and areas of concern, but consultants must make it clear that the rule has been repealed and that none of its specific provisions are required.

Employers also should be informed of other available resources (workshops, informational sessions, publications, electronic resources, etc.) that may be of assistance to them.

*B. How should consultants handle ergonomic issues if the employer has not requested such assistance?*

WISHA consultation staff are no longer expected to address ergonomics in all comprehensive consultations. If issues related to ergonomics or WMSDs arise in the course of a consultation, they should be addressed as appropriate by recommendations under the "other findings" portion the report, in accordance with existing guidance regarding issues not addressed by WISHA rules. If the repealed rule or any of its components are used or recommended as a resource by the consultant, the consultant must make clear that the rule has been repealed and that none of its specific provisions are required.

*C. How should scheduled ergonomics workshops be handled?*

Although some workshops may need to be canceled due to lack of registration, workshops must not be canceled simply because the rule has been repealed and the workshop material has not been updated. Presenters must make it clear that the rule is no longer in effect, noting that the information in the workshop remains useful, and adapting their presentation as appropriate.

The Training & Outreach program has provided explanatory slides for insertion into all workshops until such time as the entire workshop can be re-evaluated and revised as necessary.

Approved: \_\_\_\_\_

Michael Wood

Senior Program Manager, WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).

